

PIERRE L. SALAS, PLAINTIFF AND APPELLANT VS. CIBIO H. SANTIAGO, ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. L-17090. March 30, 1963

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

Plaintiff filed on July 15, 1954 before the Court of First Instance of Pampanga a complaint alleging that he was the author of a fiction story entitled "Ifugao" which he serialized in the "Hiwaga Komiks" and in the radio and later adapted into a motion picture as a story authored by Cirio H. Santiago against plaintiff's consent, which picture had been shown in Manila and in the provinces, and praying that defendants be ordered, to pay him the sum of P100,000.00, with interest thereon, plus P5,000.00 as attorney's fees.

Defendants filed their respective answers. . Premiere Productions, Inc. denied any participation in the production of the "Ifugao" picture except in lending its equipment and set up a counterclaim of 12,000.00 as attorney's fees. Defendant Cornelio Hermoso claimed that when he produced the story "Ifugao" he knew all the time that it belonged to his co-defendant Cirio H. Santiago and as a counterclaim he asked for P2,000.00 as attorney's fees. Defendant. Cirio H. Santiago, assisted by his guardian ad litem, claimed that he was the author of the story "Ifugao" and set up a counterclaim of 110,000.00 as moral damages and P2,000.00 as attorney's fees. Ciriaco A. Santiago, having died during the pendency of the case, his widow was substituted in his place as guardian of minor Cirio H. Santiago.

After trial, the court rendered judgment declaring plaintiff to be the author of the picture "Ifugao" and condemned the defendants to pay jointly and severally to plaintiff the sum of P1,500.00 as compensatory damages, in addition to the sum of P5,000.00 as moral and exemplary damages, plus legal interest thereon, and the sum of P1,000.00 as attorney's fees. The latter amount was later increased to P3,000.00.

Both plaintiff and defendants appealed from the decision, defendants to the Court of Appeals and plaintiff to the Supreme Court. The lower court, however, ordered that both appeals, together with all the evidence presented, oral as well as documentary, be forwarded to this Court.

Considering that the amounts claimed by both appellants, either individually or collectively, do not reach the amount of P200,000.00 that would place these appeals under the jurisdiction of this Court, aside from the fact that in their assignments of error both parties raise questions of law and of fact, the Court resolved to certify, as we do, this case to the Court of Appeals for jurisdiction.

Bengzon, C. J., Padilla, Labrador, Reyes, J.B.L., Barrera, Paredes, Dizon, Regain and Makalinntal, JJ., concur.

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